

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 5:23-CV-287-FL-FL

MATTHEW FEEHAN,

Plaintiff,

v.

GRAND CANYON UNIVERSITY, RMS,
INC.,

Defendant.

ORDER

This matter is before the court on plaintiff's motion for leave to proceed in forma pauperis. (DE 7). United States Magistrate Judge Kimberly A. Swank entered memorandum and recommendation ("M&R"), pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), wherein it is recommended plaintiff's application to proceed in forma pauperis be denied and that the case be closed unless plaintiff pays the requisite filing fee by August 21, 2023. (DE 8). Plaintiff now moves for an extension of time to satisfy the filing fee. (DE 9). Plaintiff's motion for an extension of time, though stylized as an objection to M&R, does not object to the recommendation that his application to proceed in forma pauperis be denied, instead seeking only an extension of time to satisfy the filing fee. The time within which to make any such objection has expired. In this posture, the issues raised are ripe for ruling.

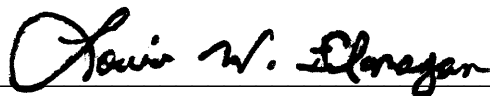
Upon a careful review of the M&R, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Because no objections have been filed, the court reviews the magistrate judge's findings and conclusions only for clear error, and need not give any explanation for adopting the M&R.

Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983).

The magistrate judge recommends denying plaintiff's application to proceed in forma pauperis because plaintiff has not demonstrated that having to pay the required filing fee would deprive him and his dependents of the necessities of life. See Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339 (1948). Upon careful review of the M&R, the court finds the magistrate judge's analysis to be thorough, and there is no clear error. The court hereby ADOPTS the recommendation of the magistrate judge as its own, and plaintiff's motion to proceed in forma pauperis (DE 7) is DENIED.

Plaintiff cites in his motion for an extension of time to satisfy the filing fee that he expects to receive sufficient funds on or about September 1, 2023, and additionally will commence new employment September 18, 2023. For good cause shown, plaintiff's motion (DE 9) is GRANTED and he is allowed until October 2, 2023, to pay the filing fee.

SO ORDERED, this the 14th day of August, 2023.

A handwritten signature in black ink, reading "Louise W. Flanagan", written over a horizontal line.

LOUISE W. FLANAGAN
United States District Judge